

LAW OFFICE OF

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ANDERSON BARTH LAW

Federal Criminal Defense

Via email: James.Bock@nywd.uscourts.gov

August 15, 2018

Mr. James Bock
Office of the Clerk
for the Western District of New York
100 State Street
Rochester, NY 14614

Re: *United States v. Thomas Traficante*
Appeal No. 18-1962
Dist. Ct. No. 18-cr-6034-1

Dear Mr. Bock,

Attached is the docket sheet containing the Index in the above listed appeal. Please have this Index filed.

Thank you for your assistance in this matter.

Sincerely,
s/Michelle Anderson Barth
CJA Attorney for Appellant

U.S. DISTRICT COURT
U.S. District Court, Western District of New York (Rochester)
CRIMINAL DOCKET FOR CASE #: 6:18-cr-00603-DGL-MWP-1

Case title: USA v. Traficante

Magistrate judge case number: 6:17-mj-04159-MWP

Date Filed: 03/22/2018

Date Terminated: 06/28/2018

Assigned to: Hon. David G.
Larimer
Referred to: Hon. Marian W.
Payson

Defendant (1)

Thomas Traficante
TERMINATED: 06/28/2018

represented by **Raymond G. Perini**
Perini & Hoerger
1770 Motor Parkway
Suite 300
Islandia, NY 11749
631 232-2224
Fax: 631 232-2344
Email: perinihoerger@aol.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Steven G. Slawinski
Federal Public Defender
28 East Main Street
Suite 400
Rochester, NY 14614
585-263-6201
Fax: 585-263-5871
Email: steven_slawinski@fd.org
TERMINATED: 01/16/2018
Designation: Public Defender Appointment

Pending Counts

18:2261.F INTERSTATE
DOMESTIC VIOLENCE
(1)

21:841A=NP.F NARCOTICS –
POSSESSION
(2)

Disposition

48 months; 3 years supervised release; fine waived;
\$5,869.01 restitution; \$100 SPA;

48 months, to run concurrent with Count 1; 3 years
supervised release, to run concurrent with Count 1;
fine waived; \$100 SPA

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints

18:2261.F, 18:875C.F,
21:841A=CD.F – did knowingly
with the intent to kill, injure,
harass, intimidate, or place under
surveillance with intent to kill

Disposition**Plaintiff****USA**

represented by **Melissa M. Marangola**
U.S. Attorney's Office
100 State Street
Rochester, NY 14614
716-843-5884
Fax: 716-551-5563
Email: melissa.marangola@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: government attorney

| Date Filed | # | Docket Text |
|------------|----------|--|
| 12/19/2017 | <u>1</u> | COMPLAINT as to Thomas Traficante (1). (CAM) [6:17-mj-04159-MWP] (Entered: 12/19/2017) |
| 12/19/2017 | <u>2</u> | MOTION by USA to seal the complaint and affidavit. (CAM) [6:17-mj-04159-MWP] (Entered: 12/19/2017) |
| 12/19/2017 | <u>3</u> | ORDER granting <u>2</u> Motion to seal the complaint, warrant and all related attachments until the defendant is brought before this court for initial appearance, or until further order of the Court, but in any event, no later than six months form today's date, unless before that time, further application is made and the Court extends the time for sealing. Signed by Hon. Marian W. Payson on 12/19/17.(CAM) [6:17-mj-04159-MWP] (Entered: 12/19/2017) |
| 12/20/2017 | | Arrest of Thomas Traficante in EDNY. (CAM) [6:17-mj-04159-MWP] (Entered: 12/21/2017) |
| 12/21/2017 | <u>4</u> | Rule 5(c)(3) Documents Received as to Thomas Traficante (CAM) [6:17-mj-04159-MWP] (Entered: 12/21/2017) |
| 12/22/2017 | <u>5</u> | MOTION by USA to unseal the criminal complaint. (CAM) [6:17-mj-04159-MWP] (Entered: 12/22/2017) |
| 12/22/2017 | <u>6</u> | ORDER granting <u>5</u> Motion to Unseal the complaint, warrant and all related attachments as to Thomas Traficante (1). Signed by Hon. Marian W. Payson on 12/22/17.(CAM) [6:17-mj-04159-MWP] (Entered: 12/22/2017) |
| 12/22/2017 | | Case unsealed as to Thomas Traficante (CAM) [6:17-mj-04159-MWP] (Entered: 12/22/2017) |
| 01/03/2018 | <u>7</u> | Minute Entry for proceedings held before Hon. Marian W. Payson:Initial Appearance as to Thomas Traficante held on 1/3/2018. The defendant was arrested in the EDNY on 12/20/17. The Court has been advised Raymond Pereni has been retained as counsel. Mr. Pereni is not present but has advised the Court he is forwarding his paperwork to be admitted this district. Mr. Slawinski is appointed as counsel until Mr. Pereni is appointed. The government moves to detain on dangerousness. The government makes a request that defendant have no contact with the victim or her associates. Request granted. Detention Hearing/Set PH Date: 1/16/18 @ 9:45 a.m.Appearances: Melissa Marangola, AUSA; Defendant with Steven Slawinski, AFPD(Digital Recording)(CAM) [6:17-mj-04159-MWP] (Entered: 01/04/2018) |

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| 01/08/2018 | <u>8</u> | NOTICE OF ATTORNEY APPEARANCE: Raymond G. Perini appearing for Thomas Traficante (Perini, Raymond) [6:17-mj-04159-MWP] (Entered: 01/08/2018) |
| 01/16/2018 | <u>9</u> | Minute Entry for proceedings held before Hon. Marian W. Payson:Status Conference as to Thomas Traficante held on 1/16/2018.Mr. Pereni appears as retained counsel. Defendant makes a request to adjourn the detention hearing. Status Conference/Set PH Date: 3/8/18 @ 10:00 a.m. TIME FROM 1/16/18 THROUGH 3/8/18 EXCLUDED IN THE INTEREST OF JUSTICE.Appearances: Melissa Marangola, AUSA; Defendant with Raymond Perini, Esq.; Jacquelyn Finucane, USPO(Digital Recording)(CAM) [6:17-mj-04159-MWP] (Entered: 01/19/2018) |
| 01/31/2018 | <u>10</u> | MOTION for Psychiatric Exam by Thomas Traficante. (Perini, Raymond) [6:17-mj-04159-MWP] (Entered: 01/31/2018) |
| 01/31/2018 | <u>11</u> | ORDER granting <u>10</u> Motion for Psychiatric Exam as to Thomas Traficante (1). Signed by Hon. Marian W. Payson on 1/31/2018.(KAH) [6:17-mj-04159-MWP] (Entered: 01/31/2018) |
| 02/26/2018 | <u>12</u> | ORDER as to Thomas Traficante. The request for an adjournment may be made on the record at the 3/8/18 conference. Signed by Hon. Marian W. Payson on 2/26/18.(CAM) [6:17-mj-04159-MWP] (Entered: 02/26/2018) |
| 03/08/2018 | <u>13</u> | Minute Entry for proceedings held before Hon. Marian W. Payson:Status Conference as to Thomas Traficante held on 3/8/2018.The defendant's appearance has been waived pursuant to defense counsel's request. The government has provided defendant with an approved plea agreement. Defendant requests an adjournment to consider the plea. Defendant does not want a detention hearing scheduled at this time as the plea is conditioned on him staying in custody. Status Conference/Set PH Date/Set Detention Hearing Date: 3/22/18 @ 9:00 a.m. If Mr. Pereni wishes to appear by telephone at the next appearance, he may submit a letter request. TIME FROM 3/8/18 THROUGH 3/22/18 EXCLUDED IN THE INTEREST OF JUSTICE.Appearances: Melissa Marangola, AUSA, Raymond Pereni, Esq. by telephone(Digital Recording)(CAM) [6:17-mj-04159-MWP] (Entered: 03/12/2018) |
| 03/16/2018 | | NOTICE as to Thomas Traficante: Plea Agreement Hearing set for 3/22/2018 12:00 PM before Hon. Marian W. Payson. (CAM) [6:17-mj-04159-MWP] (Entered: 03/16/2018) |
| 03/16/2018 | | Terminate Deadlines and Hearings as to Thomas Traficante: (CAM) [6:17-mj-04159-MWP] (Entered: 03/16/2018) |
| 03/19/2018 | | NOTICE as to Thomas Traficante: Plea Agreement Hearing set for 3/22/2018 10:00 AM before Hon. Marian W. Payson. TIME CHANGED FROM 12:00 P.M.(CAM) [6:17-mj-04159-MWP] (Entered: 03/19/2018) |
| 03/19/2018 | | Terminate Deadlines and Hearings as to Thomas Traficante: (CAM) [6:17-mj-04159-MWP] (Entered: 03/19/2018) |
| 03/22/2018 | <u>14</u> | ORDER OF REFERRAL to Take Guilty Plea to Hon. Marian W. Payson as to Thomas Traficante. Signed by Hon. David G. Larimer on 3/22/18. (JHF) (Entered: 03/22/2018) |
| 03/22/2018 | <u>15</u> | WAIVER OF INDICTMENT by Thomas Traficante. (JHF) (Entered: 03/22/2018) |
| 03/22/2018 | <u>16</u> | INFORMATION as to Thomas Traficante (1) count(s) 1, 2. (JHF) (Entered: 03/22/2018) |
| 03/22/2018 | <u>17</u> | PLEA AGREEMENT as to Thomas Traficante. (JHF) (Entered: 03/22/2018) |
| 03/22/2018 | <u>18</u> | REPORT AND RECOMMENDATIONS on Plea of Guilty as to Thomas Traficante. Signed by Hon. Marian W. Payson on 3/22/18. (JHF) (Entered: 03/22/2018) |
| 03/22/2018 | <u>19</u> | Minute Entry for proceedings held before Hon. Marian W. Payson:Plea Hearing as to Thomas Traficante held on 3/22/2018.Plea Hearing held. Order of Referral to Take Guilty Plea is accepted. The Court accepts the Waiver of Indictment. Defendant pleads guilty to a two-count Felony Information. The Court recommends the acceptance of the guilty plea. The Court orders the pre-sentence report to be prepared. The parties will be notified of the sentencing date before Judge Larimer. Defendant to remain in custody pending sentencing.-PROBATION NOTIFIED OF PLEA- Appearances: Richard Resnick, AUSA for Melissa Marangola, AUSA, Defendant with Raymond |

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| | | Perini, Esq.(Digital Recording)(CAM) (Entered: 03/22/2018) |
| 03/23/2018 | 20 | TEXT ORDER as to Thomas Traficante. Sentencing set for 6/20/2018 02:00 PM before Hon. David G. Larimer. Defendant's sentencing submissions are due by 6/6/18; the Government's response by 6/13/18. IT IS SO ORDERED. Signed by Hon. David G. Larimer on 3/23/18.(PR) (Entered: 03/23/2018) |
| 05/01/2018 | <u>21</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings as to Thomas Traficante held on 3/22/18 before Judge Marian W. Payson. Court Reporter/Transcriber Christi A. Macri, email: christimacri50@gmail.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/22/2018. Redacted Transcript Deadline set for 6/1/2018. Release of Transcript Restriction set for 7/30/2018. (JHF) (Entered: 05/01/2018) |
| 05/15/2018 | <u>22</u> | PRESENTENCE INVESTIGATION REPORT (Sealed) as to Thomas Traficante. (cannito, jennifer) (Entered: 05/15/2018) |
| 05/29/2018 | <u>23</u> | STATEMENT WITH RESPECT TO SENTENCING FACTORS by USA as to Thomas Traficante. (Marangola, Melissa) (Entered: 05/29/2018) |
| 05/29/2018 | <u>24</u> | AMENDED STATEMENT WITH RESPECT TO SENTENCING FACTORS by USA as to Thomas Traficante. (Marangola, Melissa) Modified on 5/29/2018 (JHF). (Entered: 05/29/2018) |
| 05/29/2018 | | E-Filing Notification: please note that <u>24</u> AMENDED STATEMENT WITH RESPECT TO SENTENCING FACTORS replaces <u>23</u> STATEMENT WITH RESPECT TO SENTENCING FACTORS. (JHF) (Entered: 05/29/2018) |
| 06/07/2018 | <u>25</u> | REVISED PRESENTENCE INVESTIGATION REPORT (Sealed) as to Thomas Traficante. (Chartier, Kerry) (Entered: 06/07/2018) |
| 06/08/2018 | <u>26</u> | REDACTED STATEMENT WITH RESPECT TO SENTENCING FACTORS by Thomas Traficante. (<i>The original, unredacted Statement is retained by the Court.</i>) (PR) (Entered: 06/08/2018) |
| 06/08/2018 | <u>27</u> | Sealed Exhibits as part of <u>26</u> Sentencing Statement as to Thomas Traficante. (PR) (Entered: 06/08/2018) |
| 06/11/2018 | <u>28</u> | RECOMMENDATION (Sealed) as to Thomas Traficante. (cannito, jennifer) (Entered: 06/11/2018) |
| 06/20/2018 | <u>29</u> | Minute Entry for proceedings held before Hon. David G. Larimer:Sentencing held on 6/20/2018 for Thomas Traficante (1), Count(s) 1, 48 months; 3 years supervised release; fine waived; \$5869.01 restitution; \$100 SPA;; Count(s) 2, 48 months, to run concurrent with Count 1; 3 years supervised release, to run concurrent with Count 1; fine waived; \$100 SPA. (Court Reporter DM.)(PR) (Entered: 06/20/2018) |
| 06/22/2018 | <u>30</u> | Sealed Document as to Thomas Traficante. (KAH) (Entered: 06/22/2018) |
| 06/25/2018 | <u>31</u> | NOTICE OF APPEAL. Appeal Record due by 6/25/2018. (Perini, Raymond) (Entered: 06/25/2018) |
| 06/26/2018 | | E-Filing Notification in re <u>31</u> NOTICE OF APPEAL: appeals are filed after the judgment has been filed. The judgment in this case has not been filed yet. Attorney Follow-up Action: re-file the notice of appeal after the judgment has been filed. (JHF) (Entered: 06/26/2018) |
| 06/28/2018 | <u>32</u> | JUDGMENT as to Thomas Traficante (1), Count(s) 1, 48 months; 3 years supervised release; fine waived; \$5,869.01 restitution; \$100 SPA; Count(s) 2, 48 months, to run concurrent with Count 1; 3 years supervised release, to run concurrent with Count 1; fine waived; \$100 SPA. Additional certified copies forwarded to USPO, USM, US Attorney, Debt Collection, Financial Department. Signed by Hon. David G. Larimer on 6/27/18. (JHF) (Entered: 06/28/2018) |
| 06/28/2018 | <u>33</u> | Sealed Document (Statement of Reasons) as to Thomas Traficante. (JHF) (Entered: 06/28/2018) |

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| 06/29/2018 | <u>34</u> | NOTICE OF APPEAL. (Perini, Raymond) (Entered: 06/29/2018) |
| 06/29/2018 | <u>35</u> | TRANSCRIPT REQUEST by Thomas Traficante for proceedings held on 6/20/2018 before Judge Larimer, (Perini, Raymond) (Entered: 06/29/2018) |
| 06/29/2018 | <u>36</u> | TRANSCRIPT REQUEST by Thomas Traficante for proceedings held on 6/20/2018 before Judge Larimer, (Perini, Raymond) (Entered: 06/29/2018) |
| 06/29/2018 | | Notice of Appeal filed. Fee not paid. (JHF) (Entered: 06/29/2018) |
| 06/29/2018 | | E-Filing Notification: <u>36</u> TRANSCRIPT REQUEST replaces misfiled <u>35</u> TRANSCRIPT REQUEST. (JHF) (Entered: 06/29/2018) |
| 07/06/2018 | <u>37</u> | Sealed Document as to Thomas Traficante. (PR) (Entered: 07/06/2018) |